IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.14145 of 1999

A.K.Ganesan .. Petitioner

vs.

1. The State of Tamil Nadu
   rep. by Secretary to Government
   Home Department, Fort St. George
   Chennai-9

2. The District Collector,
   Tiruchirapalli District

3. The Deputy Superintendent of Police,
   Tiruchy District, Trichy .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to take action on the petitioner's representation, dated 10.7.1999, and consequently to return back the materials taken away by the third respondent, on 25.2.1999, illegally.

For petitioner : Mr.M.Govindaraj

For respondents : Mr.V.Manoharan
Government Advocate

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O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. It is stated by the petitioner that he is running a business in the name and style of Sri Ganesh Traders in Alathudaiyanpatti, Thuraiyur. The petitioner's business is registered, having the registration

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No.3641002, under The Tamil Nadu General Sales Tax Act, 1959, and the rules framed thereunder.

3. It is further stated that, on 24.5.1999, the Prohibition Enforcement Wing of Thuraiyur, headed by the Deputy Superintendent of Police, had taken away 11 bags of Jaggery powder, weighing 75 kgs each, and 29 bags of Jaggery, weighing 50 kgs each, without following the procedures established by law. Aggrieved by the said action of the third respondent, the petitioner has preferred the present writ petition.

4. In the counter-affidavit filed on behalf of the third respondent, it has been stated that the materials had been seized only under the cover of Mahazer and a case had been registered in Musiri P.E.W. in Crime No.828/99, under Section 4(1)(g) of The Tamil Nadu Prohibition Act. Further, the petitioner had also appeared before the third respondent and had paid Rs.2,000/- as compounding fee in C.C.No.500/99, dated 31.8.1999.

5. It has also been submitted that the petitioner is a habitual vendor selling moistured Jaggery, Padikaram and Kadukkai to the illicit distillers. In such circumstances, the relief sought for by the petitioner ought not to be granted as the petitioner has approached this Court only on a mere apprehension.

6. On the other hand, the learned counsel appearing for the petitioner had submitted that the respondents are interfering with the business being conducted by the petitioner, illegally, without following the procedures established by law.

7. The learned Government Advocate appearing for the respondents had submitted that any action that may be initiated against the petitioner would be taken only in accordance with the procedures established by law.

8. Recording the submissions made by the learned Government Advocate appearing for the respondents, the writ petition stands dismissed as the petitioner had not shown sufficient cause or reason to grant the relief as prayed for at this stage. However, it is open to the petitioner to challenge the proceedings of the respondents, if any, if the petitioner is aggrieved by the same, in a manner known to law. No costs.

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sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government
   The State of Tamil Nadu
   Home Department, Fort St. George
   Chennai-9

2. The District Collector,
   Tiruchirapalli District

3. The Deputy Superintendent of Police,
   Tiruchy District, Trichy

VSV(CO)
RP 20.12.2007.

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